

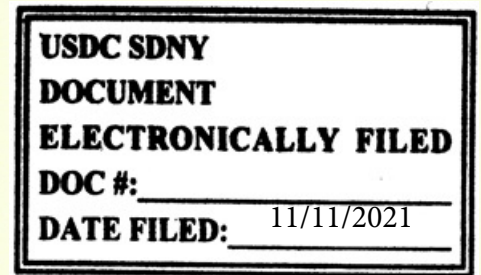
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November 5th, 2021



Magistrate Judge Stewart D. Aaron
Southern District of New York
Daniel Patrick Moynihan
United States District Court
500 Pearl Street - Courtroom 11C
New York, New York 10007

Re: Antolini vs. McCloskey, et al
Case No.: 1:19-cv-09038-GBD

Dear Judge Aaron:

By your Order of September 14, 2021 [DE 238], the depositions of defendants were to be held by November 15, 2021. On October 27, 2021, Plaintiff served his Notice of Deposition for them to be conducted on November 4, 2021. One of the lawyers for the defendants emailed back that the November 4 date was unavailable and stated his client was available November 11, 2021. Due to my unavailability on that date, I replied with November 5, 2021.

His response was that date was he and his client were again not available. On October 27, 2021 I again suggested November 4, 2021.

I did not hear back for over a week, and mindful of your Order when the depositions were due, it necessitated me having to waste more of my time chasing him down. On November 3, 2021, I again emailed to schedule November 9, 2021. The response was the same as for the three other proposed dates. No one was available. They again said November 11, but I reiterated to them that I had told them more than a week before that date was not good for me.

It is patently clear to me that these lawyers are hopeful I run afoul of your Order, thereby precluding these depositions, as well as their ongoing churning and churning and churning.

In addition, this lawyer noticed my office that he would be recording the depositions of defendants. This of course will lead to a circus like environment, with defendants seeking not only to control the ebb and flow of the depositions, but to have Plaintiff's counsel exceed the seven hour window, inter alia. Respectfully, we ask the Court to preclude this behavior.

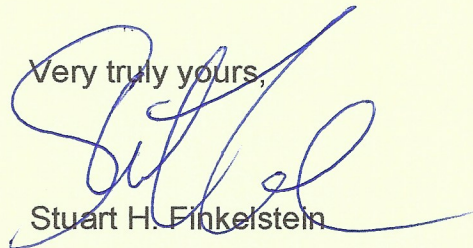
I ask the Court to extend the time to conduct defendants' depositions as a result of the stonewalling and to access sanctions for the never ending disgusting and wasteful behavior of defendants' lawyers.

We ask the Court for an order for a date certain for defendants' depositions and are available for the following dates: November 16, 18, 19 and the 23rd, all at 11:00 AM.

We appreciate the Court's intervention, as it is very unfortunate that your Honor's time, and mine, need be wasted on such repugnant behavior.

Respectfully,

Very truly yours,



Stuart H. Finkelstein

Plaintiff's motion is GRANTED IN PART and DENIED IN PART. The deadline to complete Defendants' depositions is extended to Friday, 12/3/21. No later than 12 noon EST on Friday, 11/12/21, Defendants shall file a letter with the Court stating which of the four dates proffered by Plaintiff (i.e., 11/16/21, 11/18/21, 11/19/21 and 11/23/21) the depositions will be held. The Court expects Defendants to make themselves available on at least one of those dates. If Defendants contend they are not available on each of those dates, despite diligent efforts to rearrange their schedules to make themselves available, then Defendants shall file with the letter due on 11/12/21 sworn declaration(s) setting forth in detail the reasons for their unavailability and providing 4 additional dates on or prior to 12/3/21 when they are available. After the filing of Defendants' letter, the Court shall enter a subsequent Order regarding Defendants' depositions.

Pursuant to Federal Rule of Civil Procedure 30(b)(3)(B), Defendants "may designate another method for recording the testimony in addition to that specified in the original notice" and Defendants shall "bear[] the expense of the additional record or transcript." SO ORDERED.

Dated: 11/11/2021



SHF/tc
To all via ECF